

## Displaced Lawyers Can Continue Their Practices from North Carolina

As the recovery efforts continue in the regions of Louisiana, Mississippi, Alabama, and Texas devastated by Hurricanes Katrina and Rita, the North Carolina State Bar shares the nationwide concern for the welfare of the thousands who have been dislocated from their homes and businesses. The North Carolina State Bar encourages its members to provide assistance to those who have lost so much.

The State Bar is aware that many of the storm victims have relocated to North Carolina on a temporary basis either voluntarily or with the help of disaster recovery agencies. Many of these people will need help coping with government assistance programs and other legal issues.

Additionally, the State Bar is aware that there are many attorneys from the affected regions whose offices have been destroyed and practices have been disrupted. Some of these attorneys wish to establish temporary offices outside their home jurisdictions to help their fellow dislocated citizens and to restore their practices for existing clients.

The State Bar wants attorneys from the affected regions to know that Rule 5.5 of the Rules of Professional Conduct on multi-jurisdictional practice allows out-of-state lawyers who are in good standing in their home jurisdictions limited ability to conduct their practices in North Carolina. While North Carolina's rule prohibits non-North Carolina lawyers from establishing "an office or other systematic and continuous presence in this jurisdiction for the practice of law," it does permit out-of-state lawyers to provide legal services in North Carolina on a temporary basis under certain circumstances:

- 1) in association with a North Carolina lawyer who actively participates in the matter;
- 2) if the lawyer expects to be admitted *pro hac vice* to handle a matter before a tribunal; or
- 3) if the legal services "arise out of or are reasonably related to" the lawyer's home practice.

Accordingly, a lawyer from the affected region who has been displaced may provide legal services for clients from his or her home jurisdiction on matters arising under the laws of that jurisdiction from a temporary location in North Carolina under this rule. However, the relocated lawyer may not open a permanent office or otherwise hold him or herself out as able to practice in North Carolina without admission into the North Carolina State Bar.

The State Bar supports the lawyers of North Carolina who desire to provide help to their fellow lawyers and citizens from these states. Subject to the Rules of Professional Conduct, North Carolina lawyers may help those who have relocated to North Carolina with their legal issues. North Carolina lawyers who choose to help owe their clients an obligation to become competent in the relevant law even under these emergency circumstances.